

## **Minutes**

### **Asheville City Council Public Safety Committee Meeting**

**April 27, 2012**

**3:30 p.m.-5:00 p.m.**

**Training Room, Municipal Building**

**Council Members:** Cecil Bothwell, Jan Davis, Chris Pelly

**Guests:** Shelia Surrent, John Miller, Mary T. Sullivan, Ben Mack, Denise Carboneze, Derek Dominy, Richard Fausset, Keith Smith, Brendan Brown, Katie Burke, Sparrow, Blue Fox, Dave Murphy, Mary Sparks, John Kloeckner, Helen Nagan, Andrew M. Hufand, Josh Newton, Emily Patrick, H. L. Carlisle, Christopher L. Edwards, Alina Ouu, Mick Mullin, Jess Haffel, Lori Kane, T. J. Kane, Topher Kane, Noah Stockdale, Dallas Taylor, Summer, Shawn Osborne, Keith Swayze, John Buckner, Abby-the-Spoon Lady, Mark Hennise, Johnathan Roberts, Byron Greiner, David Forbes, Kim King, Andrew Fletcher

**Staff:** Interim Police Chief Steve Belcher, Chief Chris Budzinski, Alex Carmichael, Assistant City Manager Paul Fetherston, Community and Public Engagement Director Dawa Hitch, Neighborhood Coordinator Marsha Stickford, Public Information Officer Christina Hallingse, Communications Specialist Polly McDaniel, Purchasing Manager Amy Patterson, Sergeant Jackie Stepp, Assistant Fire Marshall Rusty Freck, Planner II Sasha Vrtunski

Chairman Jan Davis called the meeting to order at 3:34 PM.

1. **Approval of the March Minutes:** Councilman Cecil Bothwell motioned to approve the March minutes. Councilman Chris Pelly seconded. The motion carried unanimously.
2. **Staff Updates:**
  - a. **Downtown Update –** Interim Chief of Police Steve Belcher, Sgt. Jackie Stepp  
  
Sgt. Stepp updated the Committee on the downtown enhancement plan of the Asheville Police Department (APD), which has been in place since 2013. The Downtown Unit consists of 6 officers and one Sergeant and remains focused on community oriented policing. The Unit patrols by means other than a car when the weather is 30° or above and makes at least

10 business contacts per day. The Unit works with private property owners to map private security cameras (Safe Cam), conducts alcohol education with establishments that serve alcohol, distributes a 'shoplifter guide' to make retailers aware of threats, staffs the downtown substation with light-duty officers, and operates a field training program in the downtown for new officers after graduating from BLS. As a result, as compared to the same period from the year before, property crime decreased from 72 to 67 incidents, business contacts increased from 867 to 2,218, crime prevention efforts increased from 385 to 404, and special operations increased from 36 to 100. Arrests increased from 115 to 141 and citations increased from 229 to 306. Arrest and citation increases are due an increase in staffing rather than an increase in crime. Violent crime did increase from 8 to 15 incidents.

Councilman Pelly asked if tickets were currently being issued to buskers. Sgt. Stepp reported that citations are not issued. Officers make field contacts and issue verbal warnings to educate sellers of the ordinance and gather information.

**b. Update on Sidewalk Vending/ Street Performing in Downtown - Assistant City Manager Paul Fetherston, Assistant City Attorney John Maddux**

Assistant City Manager Paul Fetherston updated the Committee on sidewalk vending/ street performing in the downtown. Staff sought direction and no action was before the Committee. At the September meeting of the Public Safety Committee staff presented on the management of downtown space, but the Committee asked for no further action at that time. However, the Downtown Association and Asheville Busker Collective presented staff with proposals in March. Those proposals included the following ordinance amendments:

- Clarify that signage is allowed
- Allow street performers to sell CDs
- Change "performer" to "performance"
- Add "Tarot Card Readers" to the street entertainer definition

Signage: Staff recommended adding reasonable sign size regulations similar to other commercial signs to the solicitation ordinance.

Sale of records, tapes or other products: Staff recommended not amending the ordinance to permit sales due to content-based constitutional concerns. Staff suggested exploring creative solutions such as partnerships with local businesses or the Downtown Association, and exploring pushcart options.

Distance between performers/ performance: The City Attorney's Office will provide a written opinion to Police Department about meaning of

‘performer’ relative to the distance requirement. ‘Performer’ can mean a person or group of persons, so long as the performers are rationally connected. Staff recommended extending the distance between performers to 125 feet and to permanently mark distances in popular areas from which distances can be known and enforced.

Definition of Sidewalk Entertainment: Staff recommended not amending the ordinance to include ‘tarot readings.’ The current language is sufficiently broad to cover other forms of entertainment.

Individuals and groups can attempt self-regulation within the boundaries of existing ordinances. This will not replace or impact enforcement of existing ordinances by the City.

Andrew Fletcher of the Asheville Busker Collective gave a PowerPoint presentation. He said the Collective seeks to 1) to separate panhandling and entertaining ordinances; 2) to enact laws that allow busking to flourish; and 3) to allow buskers to organize before City resources are involved.

The Committee discussed the distance requirements and methods for allowing the sale of materials.

Paul Fetherston recommended expanding the discussion and process to groups besides the buskers and downtown association. Staff will compile what we have heard and come back to PSC with recommendations.

Chairman Davis opened the meeting to public comment on the regulation of sidewalk vending/ street performing.

Sparrow told the Committee that she has busked all over the world and came to Asheville because it had a good reputation. Now that the prohibition of sales is being enforced, she no longer busks.

Shelia Surret told the Committee that sidewalks are being blocked by travelers with dogs.

Dave Murphy described the challenges he faced coming to Asheville to busk.

Dallas Taylor discussed the economic impact of music in Asheville.

Summer asked the Committee to include tarot card reading in the ordinance.

Shawn Osborne expressed appreciation for the careful consideration of these issues and recommended that the City look at Santa Cruz as an example of what a City looks like after buskers leave.

T.J. Kane asked the Committee if the City was going to issue permits for buskers. Chairman Davis responded that permits have been discussed, but that the Council was not interested in permitting right now.

Lori Kane asked the Committee to allow spaces for group performers rather than individual performers.

Josh Newton discussed the experiences of buskers and the benefit they provide to the art community.

Keith Swayze paints performers as they are performing live. He asked the Committee not to adopt distance requirements that would prevent that.

Byron Greiner of the Downtown Association thanked City staff and noted that when the DTA surveyed Asheville residents, buskers were not cited as an issue.

John Buckner said that the Asheville Busker Collective should not make demands, but work with the City and its residents.

Abby-the-Spoon Lady told the Committee that a permitting process would chase her out of town. Musicians should be able to learn by playing with other musicians.

Mark Hennise expressed disappointment that the process has taken so long and suggested that the Asheville Busker Collective take on the work for the City.

Jess Haffel is a resident of Asheville and told the Committee that buskers and street performers are a critical part of the City's personality.

### **3. New Business:**

- a. Sole Source/ Standardization of Taser Body Cameras – Interim Chief of Police Steve Belcher**

Interim Chief of Police Steve Belcher presented a request for an exemption to the bidding process in order to standardize the Police Department Body Cameras program. The Department had tested multiple brands of cameras and recommends the purchase of the Taser brand. Taser cameras are light weight, easily mounted, and have 3-13 hours of recording time. Taser offers a program that updates software every 90

days, accepts trade-ins of other model cameras towards new purchases, and accepts trade-ins of Taser cameras for new models after 2-3 years. The Department would purchase cameras over a 3year period beginning with 60 cameras this year.

Councilman Bothwell asked about control of camera activation and about access to recordings. Chief Belcher responded that APD was working with the City Attorneys' Office to develop those policies. Councilman Pelly expressed a desire to see those policies when they were complete.

Councilman Pelly motioned to approve the request for sole source/standardization of body cameras. Councilman Bothwell seconded. The motion carried unanimously.

#### **4. Public Comment:**

Johnathan Roberts expressed support for the purchase of body cameras, but expressed concern over who controls their activation. He urged that activation should be controlled remotely and not by individual officers. He also urged the Department to make all videos available to the public that are not involved in an arrest or criminal investigation, or that include an instance of use of force by an officer.

H.L. Carlie of 15 Woodfin Ave spoke about drug activity and safety concerns in his building.

The meeting adjourned at 5:28 PM. The next meeting will be 6/1/15.